



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक १००

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Apartment Ownership (Amendment) Ordinance, 2023 (Mah. Ord. IX of 2023), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

SATISH WAGHOLE,
Secretary (Legislation) to Government,
Law and Judiciary Department.

[Translation in English of the Maharashtra Apartment Ownership (Amendment) Ordinance, 2023 (Mah. Ord. IX of 2023), published under the authority of the Governor.]

HOUSING DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,
Mumbai 400 032, dated the 23rd October 2023.

MAHARASHTRA ORDINANCE No. IX OF 2023.

AN ORDINANCE

further to amend the Maharashtra Apartment Ownership Act, 1970.

WHEREAS both Houses of the State Legislature are not in session;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate Mah. XV action further to amend the Maharashtra Apartment Ownership Act, 1970 of 1971. for the purposes hereinafter appearing ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

Short title and commencement.

1. (1) This Ordinance may be called the Maharashtra Apartment Ownership (Amendment) Ordinance, 2023.

(2) It shall come into force at once.

Insertion of new section 6B in Mah. XV of 1971.

2. After section 6A of the Maharashtra Apartment Ownership Act, 1970, the following section shall be inserted, namely :— Mah. XV of 1971.

Summary eviction of apartment owners in certain cases.

“6B. (1) Where the Association of Apartment Owners, after obtaining the consent of the majority of apartment owners, submits the proposal to the concerned Planning Authority for redevelopment of the building as per section 6A, and if the said proposal is approved by the Planning Authority, then it shall be binding on all the apartment owners to vacate the apartment :

Provided that, it shall be binding upon the concerned Association of Apartment Owners or developer responsible for the redevelopment, as the case may be, to make available to all the apartment owners of such apartment or building, alternate temporary accommodation or rent in lieu of such accommodation.

(2) If the apartment owner refuses to vacate the apartment as per provisions of sub-section (1), then the Association of Apartment Owners or developer may request in writing to the Planning Authority to evict such apartment owner.

(3) The Planning Authority may, after receipt of such a request under sub-section (2), by a written notice, order any apartment owner to vacate the apartment forthwith or within the time specified in such notice.

(4) In every such notice the Planning Authority shall clearly specify the reasons for requiring such apartment owner to vacate the apartment.

(5) The affixing of such written notice on any part of such apartment or building shall be deemed a sufficient intimation to the occupiers of such apartment or building or portion thereof.

(6) On the issue of a notice under sub-section (3), every person in occupation of the apartment thereof to which the notice relates shall vacate such apartment as directed in the notice and no person shall so long as the notice is not withdrawn, enter the apartment.

(7) The Planning Authority may direct that any person who acts in contravention of this section shall be evicted from such apartment or building by any police officer and may also use such force as is reasonably necessary to effect entry in the said apartment or building.”

STATEMENT

The Maharashtra Apartment Ownership Act, 1970 (Mah. XV of 1971) has been enacted to provide for the ownership of an individual apartment in a building and to make such apartment heritable and transferable property and to provide for matters connected therewith.

2. As there was no provision in the said Act for redevelopment of apartments which have completed thirty years or are in ruinous condition or dangerous for occupying or likely to fall, section 6A, containing provisions for redevelopment of such apartments, was inserted therein by Maharashtra Act No. XLI of 2018.

However, in absence of the provision for eviction or removal of non-consenting members or members opposing redevelopment, the process of redevelopment could not be carried out even after consent of majority of apartment owners. This causes danger to the life and property of persons residing in such apartments.

3. Therefore, it is necessary to amend the said Act to incorporate the provision for binding the apartment owners to vacate the apartment after approval by the Planning Authority to the proposal of redevelopment, subject to providing alternate temporary accommodation or rent in lieu of such accommodation by the Association of Apartment Owners or developer responsible for the redevelopment. It is also proposed to provide for summary eviction of apartment owners who refuses to vacate the apartment after approval by the Planning Authority to such redevelopment proposal.

It is, therefore, considered expedient to amend the Maharashtra Apartment Ownership Act, 1970, suitably, by inserting a new section 6B therein.

4. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Apartment Ownership Act, 1970, for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 19th October 2023.

RAMESH BAIS,
Governor of Maharashtra.

By order and in the name of the
Governor of Maharashtra,

VALSA NAIR SINGH,
Additional Chief Secretary to Government.